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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,494

07/22/2002

Wataru Nakazawa

4851

22428

7590

04/08/2004

FOLEY AND LARDNER

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

THOMSON, MICHELLE R

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,494	Applicant(s) NAKAZAWA, WATARU	
	Examiner Michelle (Shelley) Thomson	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/17/03 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the specific dimension of the spacer being selected so that the tab may be prevented from being caught between the flanges and the spacer slips or rotates within the hole even when rotational torque is applied to the spacer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In response to applicant's arguments that the diameter of the cylindrical portion (reference 17) of Fischer is NOT "smaller than the inner diameter of the hole" because it is embedded in a form-fitting manner, it is the examiner's position that the cylindrical portion could not fit inside the hole if it was not smaller than the diameter of the hole. As shown clearly in Figure 1, the cylindrical portion (reference 17) of the spacer (reference 11) is inserted in a hole in the sheet 5, even if it is form-fitting, it has to be smaller than the diameter of the hole in order to fit INSIDE the hole. If the cylindrical portion were the EXACT same size or larger it would not fit inside the hole.

2. It is noted that there are no remarks and arguments submitted by the applicant in regards to further rejections. The applicant's acquiescence is so noted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3641

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fischer (US Patent # 6,039,340). Fischer discloses a structure for attaching a fabric sheet to a vehicle body in which the fabric sheet is attached to the vehicle body by inserting a threaded fastener (reference 7) through a hole (reference 9) of the fabric sheet (reference 5) and screwing the fastener into a fastening hole formed in the vehicle body (column 2, lines 1-5), wherein the structure comprises: a spacer (reference 11) positioned in the hole of the sheet, the spacer having a cylindrical portion (reference 17) inserted in the hole, the diameter of the cylindrical portion being smaller than the inner diameter of the hole, wherein the threaded fastener is inserted into the cylindrical portion, and wherein an end of the spacer is in contact with the vehicle body and another end of the spacer is provided with a flange (reference 13) having a diameter larger than the inner diameter of the hole. Wherein the flange is integrally formed with the cylindrical portion. Wherein the spacer includes a spacer rear body to be in contact with the vehicle body and a spacer front body to be connected with the spacer rear body, wherein the spacer front body includes the flange, and the spacer rear body includes an enlarged portion (reference 15) larger than the hole, the enlarged portion being located between the vehicle body and the fabric sheet. Wherein the opening in the fabric sheet is located in an edge portion of an airbag that is intended to protect a vehicle occupant's head (reference 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3641

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer as applied to claims 1 and 3 above, and further in view of Davidson (US Patent # 5,564,739). Although Fischer does not expressly disclose the spacer including a tacking member for tacking the spacer rear body to the vehicle body so that the tacking member engages with an engaging hole in the vehicle body, Davidson does. Davidson teaches a module for connecting an airbag cover to a vehicle body comprising an inflator plate (tacking member) that engages a hole in a vehicle body (reference 25) for ease of attaching the tab of an airbag to a vehicle portion for a side impact collision system. Davidson and Fischer are analogous art because they are from the same field of endeavor: vehicle airbag system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inflator tacking plate as taught by Davidson with the gas bag cover as taught by Fischer. The suggestion/motivation for doing so would have been to obtain a side impact restraint system that was easy to mount to the vehicle.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 3641

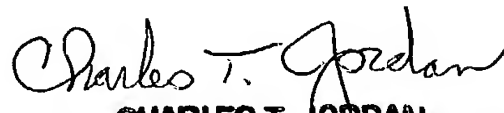
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrt


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